

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1342

Introduced by Tyson, 19

Read first time January 19, 2000

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to labor; to amend section 48-818, Reissue
2 Revised Statutes of Nebraska; to adopt the Nebraska
3 Municipal Comparability Act; to harmonize provisions; to
4 repeal the original section; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 6 of this act shall be known
2 and may be cited as the Nebraska Municipal Comparability Act.

3 Sec. 2. The Legislature finds and declares that it is
4 the public policy of the State of Nebraska and the purpose of the
5 Nebraska Municipal Comparability Act to promote harmonious,
6 peaceful, and cooperative relationships between municipal
7 government and its employees and to protect the public by assuring
8 effective and orderly operations of municipal government. Such
9 policy is best effectuated by: (1) Recognizing the right of
10 municipal employers and employees to utilize the protection of the
11 Industrial Relations Act and (2) providing statutory guidelines to
12 the Commission of Industrial Relations which recognize the unique
13 nature of municipal comparability cases.

14 Sec. 3. For purposes of the Nebraska Municipal
15 Comparability Act, metropolitan area means an area so designated by
16 the United States Office of Management and Budget.

17 Sec. 4. The Nebraska Municipal Comparability Act is
18 cumulative to the Industrial Relations Act, except when otherwise
19 specifically provided or when inconsistent with the Industrial
20 Relations Act, in which case the Nebraska Municipal Comparability
21 Act shall prevail.

22 Nebraska municipalities, their employees, employee
23 organizations, and exclusive collective-bargaining agents shall
24 have all of the rights and responsibilities afforded employers,
25 employees, employee organizations, and exclusive
26 collective-bargaining agents pursuant to the Industrial Relations
27 Act to the extent that such act is not inconsistent with the
28 Nebraska Municipal Comparability Act.

1 Sec. 5. (1) In industrial disputes involving municipal
2 employees covered by the Nebraska Municipal Comparability Act, the
3 Commission of Industrial Relations shall make comparisons in
4 accordance with the following requirements:

5 (a) For a city of the first or second class or village,
6 comparisons shall not include an employer located outside the State
7 of Nebraska, unless:

8 (i) The population of the city in question exceeds
9 thirty-nine thousand inhabitants;

10 (ii) The industrial dispute involves employees employed
11 in a municipal power generation facility; or

12 (iii) The city or village is located within a
13 metropolitan area in which a city of the metropolitan class is
14 located;

15 (b) A comparison shall not include an employer located in
16 a metropolitan area if the municipality which is the subject of the
17 litigation is not included in a metropolitan area; and

18 (c) A comparison shall not include an employer located in
19 an area with a population of more than double or less than one-half
20 the city or village population or the metropolitan area population
21 of the municipality which is the subject of the litigation.

22 (2) The requirements of the Nebraska Municipal
23 Comparability Act shall not apply to cities of the metropolitan
24 class or cities of the primary class.

25 Sec. 6. If the Commission of Industrial Relations finds
26 that any city of the first or second class or village does not have
27 sufficient comparables inside the State of Nebraska under the
28 population comparability requirements of the Nebraska Municipal

1 Comparability Act, such cities or villages may be compared with
2 out-of-state comparables in states contiguous to Nebraska which
3 meet the population comparability requirements of the Nebraska
4 Municipal Comparability Act.

5 Sec. 7. Section 48-818, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 48-818. Except as provided in the State Employees
8 Collective Bargaining Act and the Nebraska Municipal Comparability
9 Act, the findings and order or orders may establish or alter the
10 scale of wages, hours of labor, or conditions of employment, or any
11 one or more of the same. In making such findings and order or
12 orders, the Commission of Industrial Relations shall establish
13 rates of pay and conditions of employment which are comparable to
14 the prevalent wage rates paid and conditions of employment
15 maintained for the same or similar work of workers exhibiting like
16 or similar skills under the same or similar working conditions. In
17 establishing wage rates the commission shall take into
18 consideration the overall compensation presently received by the
19 employees, having regard not only to wages for time actually worked
20 but also to wages for time not worked, including vacations,
21 holidays, and other excused time, and all benefits received,
22 including insurance and pensions, and the continuity and stability
23 of employment enjoyed by the employees. Any order or orders
24 entered may be modified on the commission's own motion or on
25 application by any of the parties affected, but only upon a showing
26 of a change in the conditions from those prevailing at the time the
27 original order was entered.

28 In industrial disputes involving municipal employees

1 covered by the Nebraska Municipal Comparability Act, such act shall
2 apply.

3 Sec. 8. Original section 48-818, Reissue Revised
4 Statutes of Nebraska, is repealed.

5 Sec. 9. Since an emergency exists, this act takes effect
6 when passed and approved according to law.